

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: June 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2181. **Misbranding of Parsley and Garlic capsules, etc. U. S. v. 15½ Dozen Bottles * * *, etc., and a number of circulars.** (F. D. C. No. 21945. Sample Nos. 36178-H to 36183-H, incl., 36185-H to 36192-H, incl.)

LIBEL FILED: On or about December 30, 1946, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of February 6 and October 31, 1946, by the Battle Creek Dietetic Supply Company, from Battle Creek, Mich.

PRODUCT: 15½ dozen 120-capsule bottles of *Parsley and Garlic*, 18½ dozen 60-capsule bottles of *Hi-A Vitamin*, 17 dozen 50-capsule bottles of *Soy Bean Lecithin with Vitamin D*, 357½ dozen 100-tablet bottles of *Vitamin C 100 Mgm.*, 23 dozen 100-tablet bottles of *Riboflavin Vitamin B₂ (G)*, 23¾ dozen 150-tablet bottles of *Vitamin B Complex Ironated*, 19½ dozen 1-pint bottles of *Malt Syrup with Vitamins A B D*, 29¾ dozen 1-pint bottles of *Vitamin and Mineral Compound*, 36 dozen 1-pound bottles of *Lactose Dextrins Maltose with Dry Lemon Juice*, 32 dozen 500-tablet packages of *Kelp Tablets*, 35 dozen 1-pound cans of *Wheat Germ*, 24¼ dozen 60-wafer packages of *Dicalcium Phosphate Wafers with Viosterol*, 36½ dozen 70-capsule and 140-capsule bottles of *Tonique Capsules*, 21¾ dozen 60-capsule bottles and 17¼ dozen 150-capsule bottles of *Wheat Germ Oil*, and a number of circulars entitled "Health is Wealth" at North Kansas City, Mo.

Examination showed that the *Parsley and Garlic* capsules consisted essentially of garlic, parsley, an oil, and iron; that the *Hi-A Vitamin* capsules consisted essentially of vitamin A in oil; that the *Soy Bean Lecithin with Vitamin D* consisted essentially of lecithin and vitamin D in oil; that the *Vitamin C 100 mgm.* was a white tablet containing vitamin C; that the *Riboflavin Vitamin B₂ (G)* was a black tablet containing riboflavin; that the *Vitamin B Complex Ironated* tablets contained riboflavin, vitamin B₁, a calcium salt, and iron; that the *Malt Syrup with Vitamins A B D* was a viscous liquid containing vitamins A, B₁, and D, and iron; that the *Vitamin and Mineral Compound* was a brown liquid containing vitamins A, B₁, and D, calcium, phosphorous, and iron; that the *Lactose Dextrins Maltose with Dry Lemon Juice* consisted essentially of a lemon-flavored mixture of lactose, dextrins, and maltose; that the *Kelp Tablets* were gray compressed tablets containing small amounts of calcium, iron, and iodine; that the *Wheat Germ* was a yellow powder having the appearance of wheat germ; that the *Dicalcium Phosphate Wafers with Viosterol* was a light brown wafer containing vitamin D, calcium, and phosphorous; that the *Tonique Capsules* consisted essentially of vitamin B₁ and iron; and that the *Wheat Germ Oil* was a yellow saponifiable oil having the appearance of wheat germ oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label designation "Health House" was false and misleading since it created the impression that the articles were effective to insure health, whereas they would not be effective for that purpose.

Further misbranding, Section 502 (a), certain statements in the circular accompanying the articles were misleading since they represented and suggested that the articles, when used separately or in combination, were effective to protect the health and compensate for inadequate food intake, to prevent and correct constipation, and to make the user mentally and physically vigorous. The articles, when used separately or in combination, would not be effective for such purposes.

Further misbranding, Section 502 (a), certain statements which appeared in the circular accompanying the articles were false and misleading since these statements represented and suggested that the articles would be effective in the treatment of the following diseases, symptoms, and conditions stated and implied: (*Parsley and Garlic*) " * * * for the relief of the distressing symptoms—headache, dizziness, involuntary naps, tiredness, sluggishness * * *"; (*Hi-A Vitamin*) " * * * Indicated in night blindness and respiratory infections * * *"; (*Soy Bean Lecithin with Vitamin D*)

"NERVES ARE EXPENSIVE Health is too precious to risk it with 'jitters.' Food is too valuable to waste because of nervous indigestion. If something keeps up a turmoil preventing self-mastery, tell your doctor. Get your rest. After your daily job, relax. **BALANCE THE DIET.** Relieve constipation. Insure optimum intake of minerals and vitamins, especially vitamin B. * * * Phosphorus and lecithin are important to the nerves. Nerve tension can be relieved by the use of Soy Bean Lecithin to the extent that a possible phosphorus deficiency is relieved * * * "; (*Vitamin C 100 Mgm.*) " * * * a deficiency of vitamin C may contribute to hay fever, poor teeth and bones, and skin troubles * * * "; (*Riboflavin Vitamin B₂ (G)*) " * * * Sometimes referred to as the growth vitamin. A deficiency may cause skin disorders, digestive disturbances and nervous symptoms * * * "; (*Vitamin B Complex Ironated*) " * * * Chronic partial Vitamin B deficiency is probably one of the factors in the production of the constipation so commonly met with among Western people, and other signs and symptoms of Chronic gastro-intestinal malfunction in adults * * * "; (*Vitamin and Mineral Compound*) " * * * for children with retarded growth due to lack of appetite and lack of Vitamin A and B * * * "; (*Lactose Dextrins Maltose with Dry Lemon Juice*) " * * * With intestinal cleanliness regained, the bowels should be more regular, the breath sweeter, the complexion clearer, eyes brighter and an increased sense of physical fitness experienced * * * "; (*Wheat Germ*) " * * * a rich source of Vitamin B * * * Also contains vitamin A, E, and G. Vitamin B is but sparingly stored in the body so it must be supplied by the food each day * * * functions * * * 1. Promoting the utilization of food by the body tissues (called metabolism). 2. Aiding the process of lactation in nursing mothers. 3. Toning up the digestive muscles and thus promoting normal elimination. 4. For fitness and general well-being * * *." The articles would not be effective in the treatment of the diseases, symptoms, and conditions stated and implied.

The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 27, 1947. The Battle Creek Dietetic Supply Company having appeared as claimant, judgment of condemnation was entered and the products were ordered released under bond, with the exception of the pamphlets entitled "Health is Wealth," conditioned that they be brought into compliance with the law, under the supervision of the Food and Drug Administration. The pamphlets were ordered destroyed.

2182. Misbranding of Macia Nose Drops. U. S. v. 52 Bottles * * *. (F. D. C. No. 21685. Sample No. 57603-H.)

LABEL FILED: December 12, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about February 13, 1946, by Macia Corporation, from Holyoke, Mass.

PRODUCT: 52 1-oz. bottles of *Macia Nose Drops* at Providence, R. I. Examination showed that the product consisted essentially of water, chlorobutanol, and salt, colored with an orange dye.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements, appearing in the labeling of the article, i. e., on the carton and bottle labels, in the leaflet entitled "Yes, You Can Beat a Cold," and on the circular entitled "Sinus Sufferers Attention," which leaflet and circular were enclosed with the retail carton, were false and misleading since they represented and suggested that the article would be effective in the relief of sinus, hay fever, colds, rhinitis, nasal congestion, and sore throat, and in restoring the natural flow and function of the nasal secretions. The article would not be effective for such purposes.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2183. Misbranding of Reduco Bath Crystals. U. S. v. 14 Packages * * *. (F. D. C. No. 22279. Sample No. 54696-H.)

LABEL FILED: February 12, 1947, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 29, 1946, by Ann J. MacHale, Inc., from New York, N. Y.